1 2 3 4 5 6 7 HONORABLE J. RICHARD CREATURA 8 UNITED STATES DISTRICT COURT 9 WESTERN DISTRICT OF WASHINGTON AT TACOMA 10 RONALD D. JOHNSTON, a married NO. 3:10-cv-05643 JRC 11 person, 12 Plaintiff, STIPULATION AND ORDER OF DISMISSAL 13 ٧. 14 THE SHAW GROUP, INC., a Louisiana corporation; ATLANTIC CONTINGENCY 15 CONSTRUCTORS, LLC, a Louisiana 16 Limited Liability Company; GENERAL MECHANICAL, INC., a Washington 17 Corporation; NESS & CAMPBELL CRANE, INC., a Washington corporation, 18 19 Defendants. 20 I. STIPULATION 21 22 IT IS HEREBY STIPULATED pursuant to Rule 41 of the Federal Rules of 23 Civil Procedure that an order may be entered herein dismissing the above-entitled 24 action, with prejudice and without costs, and without notice of presentation of this 25 26 Law Offices of Kenneth R. Scearce STIPULATION AND ORDER OF DISMISSAL - 1 420 Century Square B5U2244 (JAH) 1501 Fourth Avenue Seattle, WA 98101-3225 Tel: (206) 326-4217 Fax: (206) 326-4220

| 1                                | order, for the reason that the same has been settled and the settlement is   |   |                               |
|----------------------------------|--|---|-------------------------------|
| 2                                | reasonable.  |   |                               |
| 3                                | DATED this <u>8th</u> day of <u>November</u> , 2011.   |   |                               |
| 5                                |  |   |                               |
| 6<br>7<br>8<br>9                 | WSBA #24501 Rush, Hannula, Harkins & Kyler, L.L.P. 4701 S. 19th Street; Suite 300 Tacoma, WA 98405 (253) 383-5388 (253) 272-5105 (fax)   | 1 Third Avenue<br>attle, WA 98101<br>6) 223-1313<br>6)682-7100 (fax<br>een@karrtuttle | Tuttle Campbell S, Suite 2900 |
| 11                               | iwilson@rhhk.com Atto  | orney for Defend<br>npbell Crane  | dant Ness and                 |
| 12                               |  |   |                               |
| 13<br>14<br>15<br>16<br>17<br>18 | s/Kasey C. Myhra WSBA #27100 Law Offices of Kenneth R. Scearce 1501 Fourth Avenue, Suite 420 Seattle, WA 98101-3225 (206) 326-4217 (206) 326-4223 (fax) kymyhra@travelers.com Attorney for Defendants General Mechanical and Atlantic Contingency Constructors |   |                               |
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| 26                               | B5U2244 (JAH)  420 Century Square 1501 Fourth Avenue   |   |                               |

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<u>ORDER</u> 1 2 It appearing to the Court from the foregoing Stipulation that the above-3 entitled action should be dismissed, with prejudice and without costs, it is by the 4 Court 5 ORDERED that the above-entitled action be, and the same is hereby 6 dismissed with prejudice and without costs. 7 DATED this 28th day of November, 2011. 8 9 10 J. Richard Creatura 11 United States Magistrate Judge Prepared and Presented by: 12 13 s/Kasey C. Myhra WSBA #27100 14 Law Offices of Kenneth R. Scearce 1501 Fourth Avenue, Suite 420 15 Seattle, WA 98101-3225 Tel: (206) 326-4217 16 (206) 326-4223 (fax) 17 kymyhra@travelers.com Attorney for Defendants General Mechanical 18 and Atlantic Contingency Constructors 19 Approved as to form; Notice of Presentation Waived: 20 s/John R. Wilson WSBA #24501 21 Rush, Hannula, Harkins & Kyler, L.L.P. 22 4701 S. 19th Street; Suite 300 Tacoma, WA 98405 23 (253) 383-5388 (253) 272-5105 (fax) 24 jwilson@rhhk.com 25 Attorneys for Plaintiff 26 Law Offices of Kenneth R. Scearce STIPULATION AND ORDER OF DISMISSAL - 3 420 Century Square B5U2244 (JAH) 1501 Fourth Avenue Seattle, WA 98101-3225

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